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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,063	12/30/2003	Spencer W. Beaufore	OPMI / 07	7404

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EXAMINER

STIGELL, THEODORE J

ART UNIT	PAPER NUMBER
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3763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/749,063

Applicant(s)

BEAUFORT ET AL.

Examiner

Theodore J. Stigell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 and 87-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-27, 33-75 and 87-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Objections

Claim 51 is objected to because of the following informalities: Please delete remaining recitation of "leg" in claim 51. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-0, 14-27, 33-50, 53-55, 65-75, and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Feller et al. (4,362,156). Feller discloses an adaptor that can be used with a urinary catheter having urine lumen extending between a bladder end and discharge end with a normally closed valve, the adaptor comprising a fluid tube (20) sized to sealingly engage the inner surface of the discharge end (34) and having an internal diameter for fluid flow therethrough, a member (16) that can be hollow or solid in cross section (it is well known in the art for insertion needles to have hollow or solid cs's), the member adapted to have fluid flow therearound or therethrough and adapted to be able to open a duck-billed urinary valve, and a releasable clip (50) including a portion being relative to the fluid tube, the clip being configured to selectively secure the fluid tube in sealing engagement with the discharge end with movement of the movable clip portion relative to the fluid tube, wherein the movable clip includes

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arms (50) and a region (area near 36) adapted to pinch a portion of the discharge end against the fluid tube wherein this region had a similar contour with the discharge end, further comprising a protuberance (52) on the clip positioned to butt up against the discharge end to prevent further insertion, wherein the member is sized so that it can pass through a valve, and wherein the member extends beyond the fluid tube.

Claims 1-0, 14-27, 33-50, 53-55, 65-75, and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Jepson et al. (6,213,996). Jepson discloses an adaptor that can be used with a urinary catheter having urine lumen extending between a bladder end and discharge end with a normally closed valve, the adaptor comprising a fluid tube (92a) sized to sealingly engage the inner surface of the discharge end (54) and having an internal diameter for fluid flow therethrough, a member (98a) that can be hollow or solid in cross section, the member adapted to have fluid flow therearound or therethrough and adapted to be able to open a duck-billed urinary valve, and a releasable clip (100a,b) including a portion being relative to the fluid tube, the clip being configured to selectively secure the fluid tube in sealing engagement with the discharge end with movement of the movable clip portion relative to the fluid tube, wherein the movable clip includes arms (100a,b) and a region adapted to pinch a portion of the discharge end against the fluid tube wherein this region had a similar contour with the discharge end, further comprising a protuberance (not numbered) on the clip positioned to butt up against the discharge end to prevent further insertion, wherein the member is sized so that it can pass through a valve, and wherein the member extends beyond the fluid tube.

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Claims 49-52 and 55-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Utterberg (5,951,519). Utterberg discloses an adaptor that can be used with a urinary catheter, the adaptor comprising a fluid tube (10) sized to sealingly engage the discharge end (12) and a releasable clip (18) external to the fluid tube and including a portion movable relative to the fluid tube, the clip configured to selectively secure the fluid tube in sealing engagement with the discharge end with movement of the movable clip portion relative to the fluid tube, wherein the clip includes a first portion (42) adapted to selectively urge a portion of the discharge end against the fluid tube, a first resilient arm (26) and a second resilient arm (18) with the fluid tube disposed therebetween and a flange (30) on the first arm adapted to releasably lock with a detent on the second resilient arm when the arms are urged together, wherein the first arm has a first pinch rib (28) and the second arm has a second pinch rib (not numbered), and wherein the adaptor has a valve opening member (32) associated with the fluid tube.

Allowable Subject Matter

Claims 11-13 and 28-32 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-95 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Theodore J. Stigell


NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
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